

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 21419 of 2006(Y)

PETITIONER:

1. D.RAVINDRAN, UNNITHAN,
AGED 52 YEARS, S/O.DAMODARAN NAIR,
ALWAYE WEST (HON.SECRETARY, HMT MACHINE TOOLS
STAFF AND WORKERS CREDIT CO-OP. SOCIETY LTD.
NO. E-302, HMT COLONY POST, KALAMASSERY.
2. K.P.KURIACHAN, AGED 49 YEARS,
S/O.K.P.PHILIPOSE, KALAPURAKKAL HOUSE,
MULANTHURUTHY VILLAGE, PERUMPILLY.P.O.,
(HON. PRESIDENT, HMT MACHINE TOOLS STAFF AND
WORKERS CREDIT CO-OP. SOCIETY, LTD.NO.E-302,
HMT COLONY POST, KALAMASSERY.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:

1. THE CONSUMER DISPUTES REDRESSAL FORUM,
ERNAKULAM,
REP. BY ITS PRESIDENT, DISTRICT FORUM,
ERNAKULAM.
2. P.K.SOSAMMA, W/O.G.KUNJUMON,
AMBEEL HOUSE, VADACODE POST,
KANGARAPPADY, ERNAKULAM, KOCHI-21.

ADDL.R3:
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
ERNAKULAM.

ADDL.R3 IMPEADED AS PER ORDER DATED 21/12/2006
IN I.A.NO.17549/2006

BY ADV. SRI.P.V.SANTHOSH JOSE
SRI.M.G.KARTHIKEYAN FOR R2
SRI.PRAMOD DAS LOHYA
GOVERNMENT PLEADER P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C).21419/2006

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1- TRUE COPY OF THE COMPLAINT FILED BEFORE THE DISTRICT
CONSUMER FOREM, ERNAKULAM, DATED 10.7.2006
- EXT.P2- TRUE COPY OF THE NOTICE ISSUED TO THE 1ST PETITIONER
DATED 20.7.2006
- EXT.P3- TRUE COPY OF OTHE NOTICE ISSUED TO THE 2ND PETITIONER
DATED 20.7.2006

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 21419/2006

Dated this the 21st day of December, 2006

JUDGMENT

The second respondent is the member of the Society, represented by the writ petitioners in the post of President and Secretary respectively. An amount of Rs.2,00,000/- was deposited by the second respondent in the year 2005. The same became matured and therefore, she is entitled for the amount and the interest thereon. Despite the demand, matured fixed deposited amount was not released. Therefore, the second respondent approached the first respondent, The Consumer Disputes Redressal Forum, Ernakulam, praying for appropriate orders.

2. The writ petitioners are, therefore, before this Court through this Writ Petition, praying that the first respondent had got no jurisdiction to interfere with it and pass any orders with regard to the affairs of the Society, represented by them, as the non-payment of the fixed

deposit or any amount due to the second respondent would fall within the definition of dispute, as contemplated under Section 69(1)(h) of the Kerala Co-operative Societies Act, 1969, in short 'the Act'. Therefore, the writ petitioners pray to quash the notice received from the first respondent.

3. During the hearing, it was fairly conceded by the learned counsel for the writ petitioners that the second respondent had deposited an amount and it became matured. However, the same had not been returned to her because of the paucity of funds with the Society. Therefore, it was thought fit at the time of hearing that the Joint Registrar of Co-operative Societies, Ernakulam, be impleaded as third respondent. Accordingly, additional third respondent had been impleaded.

4. After hearing all concerned, I direct the second respondent to file a representation stating the above facts and requesting to release the matured amount of fixed deposit lying with the Society,

represented by the writ petitioners. In that event, the additional third respondent, the Joint Registrar of the Co-operative Societies (General), Ernakulam, shall hear the second respondent as well as the Society, with which the deposit had been made by the second respondent, and pass appropriated orders, so that the amount due to the second respondent would be released to her, as per the provisions of the Acts and Rules made therein.

5. The additional third respondent is directed to dispose of the matter according to the law, within two months from the date of production of a copy of this judgment. Thereafter the second respondent shall withdraw the proceedings initiated before the first respondent.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrCS